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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05/01/07; 04/30/07</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>1-41</u> is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>23 November 2003</u> is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1.   This office action is in response to the amendment filed on 04/30/2007 and

supplemental amendment filed on 05/01/2007.

2.   Claims 1, 17, 21, 25 and 38 have been amended.

3.   The 35 U.S.C. 101 rejection to claims 21-40 is withdrawn in view of the

Applicant's amendment.

4.   Claim 41 has been added.

5.   Claims 1-41 remain pending and have been examined.

Response to Amendment

6.   Applicant's amendment filed on 04/30/2007 changes the scope of claims 1-41.

Therefore a new ground of rejection is applied.

Response to Arguments

7.   Applicant's arguments filed on 04/30/2007 and 05/01/2007, in particular on pages

15-16, has been fully considered but they are not persuasive. For example:

- At page 15 third paragraph, applicants disagree with the assertion that APA

   teaches generating the current claim limitation "without producing any

   recorded output" regarding to the scope of current claims 17 and 25.

However, the Examiner's position is that the term "without producing any recorded output" [emphasis added] can be reasonable interpreted as -- generating output and without being recorded --. As APA disclosed at paragraph [0009], "ignores the output produced [emphasis added] or recorded [emphasis added]", "or recorded" is not a must have condition, the stress test can just simply ignore the output and without being recorded. Therefore, APA does disclose the feature limitation about "without producing any recorded output" in the above claims.

- At page 15, last paragraph –page 16, second paragraph, Applicants contend that current claims 1 and 21 are not anticipated by Johnson, as Johnson does not discloses any embodiment in which a group of test is run, according to the selection of one or more verification levels, and then upon detecting an adverse reaction to the group test, isolates the tests in the group and runs them individually to determine which specific test caused the adverse reaction or failure. However, the Examiner disagrees with that. As Johnson discloses at Figure 2, step 32, "Test Engineering" and step 34, "project Engineering" about creating/modifying/grouping test cases/project according all kinds of requirements including product feature, tester feedback.... It is clear that different configuration corresponds to different verification levels as Applicant claimed. Johnson also discloses at page 3, paragraph [0020], "for instance, the number of tests and results for tests performed under a predetermined test case or configuration is traceable to view how many times the test case

<u>or configuration was used, passed or failed</u> [emphasis added] across all or selected groups"; at page 3, paragraph [0023], "After repetitions of the test cases, test engineers may view results to update test case where testing failures are encouraged by test case faults...". Therefore, Johnson does disclose the feature of running test at different verification level and isolating and identifying the test case.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9.   Claim 41 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not disclose detail steps and method that can be used to automatically detecting a development stage. (see for example, at specification page 11, paragraph [0028], "Example embodiments also provide for tunable test cases that know the environment within which they are operating, and <u>can utilize additional information</u> [emphasis added] produced from within that environment when testing the system. This mechanism for

automatically determining what part of the development state the software the

software is being tested in allows tests to change their behavior depending on

the development stage."). The applicants only disclose using additional

information produced from the testing environment. But does not disclose what

kind of additional information needs to be collected, what the relationship it is

about additional information and development stage, and further how to use this

additional information to determine the development stage as applicants claimed.

Therefore, one skilled in the art is not able to perform the test to detect a

development stage that the software is being tested in during the test.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

11.   Claims 1, 13, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated

by <u>Johnson</u> (Johnson et al., US 2004/0073890 A1).

Claim 1:

Johnson discloses, in a computer system that includes software under test, a

method of verifying the software with one or more tunable test cases that are

capable of being set to any of a plurality of verification levels, the method

comprising acts of:

- reading in one or more test cases that include a plurality of software testing

  instructions organized as a plurality of verification levels within a verification

  hierarchy, wherein at least two verification levels within the verification

  hierarchy define different amounts of checking to perform for determining if

  the software functions as intended when executed (see for example, Figure 2,

  from step 32, "Test Engineering" to step 34, "Project Engineering", "Test

  Cases" and related text);

- reading in verification settings that define one or more desired verification

  levels within the verification hierarchy (see for example, Figure 2, step about

  passing "Configuration Information" to step 34, "Project Engineering" and

  related text);

- identifying a test group comprising a plurality of test cases including at least

  one of the one or more test cases having software testing instructions that

  corresponds to the one or more desired verification levels (see for example,

  Figure 2, detailed steps 1-4 of step 34, "Project Engineering" and related

  text);

- running a test on the software with all of the plurality of test cases within the

  test group by running the software testing instructions corresponding to the

one or more desired verification levels of each of the test cases in the test

group (see for example, Figure 2, step 36 "Project Testing" and related

detailed steps and text);

- upon detecting an adverse or unexpected result from running the test,

isolating the plurality of test cases within the test group and running each of

the isolated test cases individually (see for example, p.2-3, paragraph [0020],

"the number of tests and results for tests performed under a predetermined

test case or configuration is traceable to view how many times the test case

or configuration was used, passed or failed"; also see paragraph [0023], "As

tests are run and results recorded, reports are issued to test engineering for

tracking test progress and adapting test with feedback") and

- upon running each of the isolated test cases individually, determining which of

the isolated test cases caused the adverse or unexpected result (see for

example, paragraph [0023], "After repetitions of the test cases, test engineers

may view results to update test case where testing failures are encouraged by

test case faults..."

Claim 13:

Johnson further discloses the method of claim 1, wherein at least a portion of at

least one of the plurality of software instructions determines that software

information is available and uses the information for troubleshooting the software

if it is determined that the software does not function as intended when executed

(see for example, Figure 2, step 3-5 of "Project Testing 36", "Record Results",

"Report Issues", "Provide Test Case Feedback when necessary" and related

text).

Claim 14:

Johnson also discloses the method of claim 13, wherein the software information

available is debug information (see for example, Figure 2, step 3-5 of "Project

Testing 36", "Provide Test Case Feedback when necessary" and related text,

also see, p.3, paragraph [0023], "As tests are run and results recorded, report

are issued to test engineering for tracking test progress and adapting tests with

feedback").

Claim 16:

Johnson further discloses the method of claim 1, wherein the portion of the one

or more test cases that corresponds to the one or more desired verification levels

produces one or more test outputs for verifying the software (see for example,

Figure 2, step 3-5 of "Project Testing 36", "Record Results", "Report Issues",

"Provide Test Case Feedback when necessary" and related text).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 2-12 and 21-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Johnson (Johnson et al., US 2004/0073890 A1) in view of

Ruffolo (Ruffolo et al., US 2003/0196190 A1).

Claim 2:

Johnson discloses the method of claim 1, wherein a first test case from the one

or more test cases is part of a first test group, the first test group including one or

more software testing instructions organized as one or more verification levels

within the verification hierarchy, and wherein the verification settings

(configurations) that define one or more desired verification levels (Test Iteration)

for the first test group (Test Plan) (see for example, Figure 1B, element 30,

"Configurations", element 28, "Test Plan", "Test Case", element 26 "Test

Iteration" and related text).

But does not disclose the verification settings defining a desired verification level

for the one or more test cases. However, Ruffolo in the same analogous art of

test case generation discloses building different verification level (test items) of

test case based on verification settings (distribution list) (see for example, Fig.4,

step S406-S412 and relate text). Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to define the

verification settings for the test case in the configuration file to further customize

the verification level of each test case. One would have been motivated to do so

to customize each test case for the project as suggested by <u>Johnson</u> (see for

example, Figure 2, step 2a of "Project Engineering 34" – "Customize Test Cases

for the project").

Claim 3:

<u>Johnson</u> and <u>Ruffolo</u> disclose the method of claim 2, <u>Johnson</u> further discloses

the method comprising acts of:

- identifying a portion of the one or more software testing instructions within the

  first test group that corresponds to the one or more desired verification levels

  (see for example, p.1, paragraph [0010], "A test iteration engine aligns a test

  case or set of test cases with a configuration to present a matrix view of one

  or more test cells that guide testing of an information handling system having

  the identified configuration, also see Figure 1B, element 26, "Test Iteration",

  element 28, "Test Plan", element 30, "Configurations" and related text)

- running a portion of the first test group that corresponds to the one or more

  desired verification levels (see for example, Figure 2, step 36 "Project

  Testing" and related detailed steps and text).

Claim 4:

Johnson and Ruffolo disclose the method of claim 3, Johnson also discloses,
wherein the verification settings (configurations) define a single desired
verification level for the first test case and the first test group (see for example,
Figure 1B, "Configuration B" of element 30 "Configurations", using single
configuration to cover all test cases in "Test Plan 28", also see related text
descriptions).

Claims 5 and 7:

Johnson and Ruffolo disclose the method of claim 3, but do not explicitly disclose
that the verification settings defined verification level for the first/second test
cases are different from a desired verification level for the first test group.
However, it would have been obvious to one having ordinary skill in the art at the
time the invention was made to understand that the verification levels of the
first/second test cases and test group are different, because each test groups
comprises one or more test cases, each test cases can be customized to
different verification level to test different degree or portion of software
component based on different configurations as discussed above. Therefore,
verification levels of the test case and test group can be different.

Claim 6:

Johnson and Ruffolo disclose the method of claim 4, but do not explicitly disclose

that the verification settings defined verification level for the second test case are

different from a desired verification level for the first test group.

However, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to understand that the verification levels of the

first/second test cases and test group are different, because each test groups

comprises one or more test cases, each test cases can be customized to

different verification level to test different degree or portion of software

component based on different configurations as discussed above. Therefore,

verification levels of the test case and test group can be different.

Claim 8:

Johnson and Ruffolo disclose the method of claim 7, but do not explicitly disclose

that the verification settings defined verification level for the first/second test

cases are different.

However, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to understand that the verification levels of the

first/second test cases could be different. Because each test cases can be

customized to different verification level to test different degree or portion of

software component based on different configurations as discussed above.

Therefore, verification levels of the test cases can be different.

Claim 9:

> Johnson and Ruffolo disclose the method of claim 3, Johnson further discloses
>
> wherein a second test case from the one or more test cases is part of the first
>
> test group, and wherein third and fourth test cases from the one or more test
>
> cases are part of a second test group, the second test group including one or
>
> more software testing instructions organized as one or more verification levels
>
> within the verification hierarchy, and wherein the verification settings that define
>
> the one or more desired verification levels for the one or more test cases also
>
> define one or more desired verification levels for the second test group, the
>
> method further comprising acts of:
>
> - identifying a portion of the one or more software testing instructions within the
>   second test group that corresponds to the one or more desired verification
>   levels (see for example, p.1, paragraph [0010], "A test iteration engine aligns
>   a test case or set of test cases with a configuration to present a matrix view of
>   one or more test cells that guide testing of an information handling system
>   having the identified configuration, also see Figure 1B, element 26, "Test
>   Iteration", element 28, "Test Plan", element 30, "Configurations" and related
>   text); and
>
> - running a portion of the second test group that corresponds to the one or
>   more desired verification levels (see for example, Figure 2, step 36 "Project
>   Testing" and related detailed steps and text).

Claim 10:

Johnson and Ruffolo disclose the method of claim 9, but do not explicitly disclose

that the verification settings defined verification level for the

first/second/third/fourth test cases, the first test group and second test group are

different.

However, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to understand that the verification levels of the test

cases and test groups can be set to different verification levels, because each

test groups comprises one or more test cases, each test cases can be

customized to different verification level to test different degree or portion of

software component based on different configurations as discussed above.

Therefore, verification levels of the test cases and test groups can be different.

Claim 11:

Johnson and Ruffolo disclose the method of claim 10, Johnson further discloses

wherein the first and second test groups are part of a third test group, the third

test group including one or more software testing instructions organized as one

or more verification levels within the verification hierarchy, and wherein the

verification settings that define the one or more desired verification levels for the

one or more test cases also define one or more desired verification levels for the

third test group, the method further comprising acts of:

- identifying a portion of the one or more software testing instructions within the

  second test group that corresponds to the one or more desired verification

  levels (see for example, p.1, paragraph [0010], "A test iteration engine aligns

  a test case or set of test cases with a configuration to present a matrix view of

  one or more test cells that guide testing of an information handling system

  having the identified configuration, also see Figure 1B, element 26, "Test

  Iteration", element 28, "Test Plan", element 30, "Configurations" and related

  text); and

- running a portion of the second test group that corresponds to the one or

  more desired verification levels (see for example, Figure 2, step 36 "Project

  Testing" and related detailed steps and text).

Claim 12:

Johnson and Ruffolo disclose the method of claim 9, but do not explicitly disclose

that the verification settings define a desired verification level for the third test

group different from each of the first test case, the second test case, the third test

case, the fourth test case, the first test group and the second test group.

However, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to understand that the verification levels of the test

cases and test groups can be set to different verification levels, because each

test groups comprises one or more test cases, each test cases can be

customized to different verification level to test different degree or portion of

software component based on different configurations as discussed above.

Therefore, verification levels of the test cases and test groups can be different.

Claims 21-24:

Claims 21-24 are a computer program product version of claimed method,

wherein all claimed limitations have been address and/or set forth above in

claims 1-16. Therefore, as the references teach all the limitation of claims 1-16,

they also teach the limitations of claims 21-24 respectively. Thus, they also would

have been obvious.

14.   Claims 15, 17, 25, 39 and 41are rejected under 35 U.S.C. 103(a) as being

unpatentable over Johnson (Johnson et al., US 2004/0073890 A1) in view of the

admitted prior art (APA) of paragraph [0007] of Applicant's background.

Claim 15:

Johnson discloses the method of claim 1, but does not discloses wherein the

portion of the one or more test cases that corresponds to the one or more

desired verification levels does not produce any testing output.

However, APA discloses the stress test that simply ignores any testing output if

system doesn't crash when the insert record object is run (see for example,

paragraph [0009]). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify and run <u>Johnson</u>'s

test case for simple stress tests without producing any output. Because, the test

output is not important and the system does not analyze the output as pointed

out by APA (see for example, page 4, paragraph [0009], "the system does not

analyze the output"). One would have been motivated to do so to make test

procedure more efficient as suggest by APA (see for example, paragraph [0009],

"…, so it would be better not to produce it in the first place.")

Claim 17:

<u>Johnson</u> discloses, in a computer system that includes software under test, a

method of verifying the software with one or more tunable test cases that are

capable of being set to any of a plurality of verification levels, the method

comprising steps for:

- loading one or more test cases that include a plurality of software testing

  instructions organized as a plurality of verification levels within a verification

  hierarchy, wherein at least two verification levels within the verification

  hierarchy define different amounts of testing to perform for determining if the

  software functions as intended when executed (see for example, Figure 2,

  from step 32, "Test Engineering" to step 34, "Project Engineering", "Test

  Cases" and related text);

- receiving verification setting instructions for one or more desired verification

  levels from within the verification hierarchy for use in testing the software,

wherein the received verification setting instructions select the one or more

desired verification levels from a group of verification levels that include at

least first and second verification levels, (see for example, Figure 2, step

about passing "Configuration Information" to step 34, "Project Engineering"

and related text); and

- testing the software at the one or more desired verification levels, which

  include at least one of the first and second verification levels, by running the

  one or more test cases that include the plurality of software testing

  instructions that correspond to the one or more desired verification levels (see

  for example, Figure 2, step 36 "Project Testing" and related detailed steps

  and text).

But does not explicitly disclose wherein selection of the first verification level

causes the one or more test cases to be run during testing without producing any

recorded output, and wherein selection of the second verification level causes

the one or more test cases to be run during testing with recorded output.

However, APA discloses the stress test that simply ignores any testing output if

system doesn't crash when the insert record object is run (see for example,

paragraph [0009]). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify and run Johnson's

test case without producing any recorded output. Because, the test output is not

important and the system does not analyze the output as pointed out by APA

(see for example, page 4, paragraph [0009], "the system does not analyze the

output"). One would have been motivated to do so to make test procedure more efficient as suggest by APA (see for example, paragraph [0009], "Producing the output in the first place, However, impacts the system, so it would be better not to produce it in the first place.")

Claim 25

Claim 25 is a computer program product version of claimed method in claim 17 above, wherein all claimed limitations have been address and/or set forth above by <u>Johnson</u> and APA. Therefore, as the references teach all the limitation, they also teach the limitations of claim 25. Thus, it also would have been obvious.

Claim 39:

<u>Johnson</u> and APA disclose the method of claim 25, but does not discloses wherein the portion of the one or more test cases that corresponds to the one or more desired verification levels does not produce any testing output.

<u>However</u>, APA discloses the stress test that simply ignores any testing output if system doesn't crash when the insert record object is run (see for example, paragraph [0009]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify and run <u>Johnson</u>'s test case for simple stress tests without producing any output. Because, the test output is not important and the system does not analyze the output as pointed out by APA (see for example, page 4, paragraph [0009], "the system does not

analyze the output"). One would have been motivated to do so to make test

procedure more efficient as suggest by APA (see for example, paragraph [0009],

"..., so it would be better not to produce it in the first place.")

Claim 41:

Johnson and APA disclose the method of claim 17, but do not explicitly disclose

wherein the method further includes an act of automatically detecting a

development stage that the software is being tested in during the test and for

gathering information for at least additional testing or debugging based upon the

detected development stage. However, Johnson also discloses associates the

test result with development result. Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to automatically

detect the development stage based on testing results. (see for example,

paragraph [0012], ""associated results through different development stages";

"Iterative development allows the organization of test results based on different

product development stage.".)

15.   Claims 18-20, 26-38 and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Johnson (Johnson et al., US 2004/0073890 A1) in view of the

admitted prior art (APA) of paragraph [0007] of Applicant's background and in

further view of Ruffolo (Ruffolo et al., US 2003/0196190 A1).

Claim 18:

Johnson and APA discloses the method of claim 17, wherein a first test case

from the one or more test cases is part of a first or a second test group, the first

test group including one or more software testing instructions organized as one

or more verification levels within the verification hierarchy, further comprising acts

of:

- identifying a portion of the one or more software testing instructions within the

  first test group that corresponds to the one or more desired verification levels

  (see for example, p.1, paragraph [0010], "A test iteration engine aligns a test

  case or set of test cases with a configuration to present a matrix view of one

  or more test cells that guide testing of an information handling system having

  the identified configuration, also see Figure 1B, element 26, "Test Iteration",

  element 28, "Test Plan", element 30, "Configurations" and related text); and

- running a portion of the first test group that corresponds to the one or more

  desired verification levels (see for example, Figure 2, step 36 "Project

  Testing" and related detailed steps and text)

But does not disclose the verification settings defining a desired verification level

for the one or more test cases. However, Ruffolo in the same analogous art of

test case generation discloses building different verification level (test items) of

test case based on verification settings (distribution list) (see for example, Fig.4,

step S406-S412 and relate text). Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to define the

verification settings for the test case in the configuration file to further customize

the verification level of each test case. One would have been motivated to do so

to customize each test case for the project as suggested by Johnson (see for

example, Figure 2, step 2a of "Project Engineering 34" – "Customize Test Cases

for the project").

Johnson and Ruffolo also do not explicitly disclose the verification level for the

first test case is different form a desired verification level for the first test group.

However, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to understand that the verification levels of the first

test case and first test group could be different. Because each test groups can be

customized to different verification level to test different degree or portion of

software component based on different configurations as discussed above.

Therefore, verification levels of the test cases and test group can be different.

Claim 19:

Johnson, APA and Ruffolo disclose the method of claim 18, wherein a second

test case from the one or more test cases is part of the first test group, but do not

explicitly disclose the verification level for the second test case is different form a

desired verification level for the first test group. However, it would have been

obvious to one having ordinary skill in the art at the time the invention was made

to understand that the verification levels of the first test case and first test group

could be different. Because each test groups can be customized to different

verification level to test different degree or portion of software component based

on different configurations as discussed above. Therefore, verification levels of

the test cases and test group can be different.

Claim 20:

Johnson, APA and Ruffolo disclose the method of claim 19, Johnson further

discloses wherein verification setting instructions for the desired verification

levels define a single verification level for the first and second test cases (see for

example, Figure 1B, "Configuration B" of element 30 "Configurations", using

single configuration to cover all test cases in "Test Plan 28", also see related text

descriptions).

Claims 26-38 and 40:

Claims 26- 38 and 40 are a computer program product version of claimed

method in claims 17-20 and 25 above, wherein all claimed limitations have been

address and/or set forth above by Johnson and Ruffolo. Therefore, as the

references teach all the limitation, they also teach the limitations of claims 25-38

and 40 respectively. Thus, they also would have been obvious.

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

17.   Applicant's arguments with respect to claims rejection have been considered but

are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Zheng Wei whose telephone number is (571)

270-1059 and Fax number is (571) 270-02059. The examiner can normally be

reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZW

TUAN DAM
SUPERVISORY PATENT EXAMINER